

So, no. No. Don't tell me these are tailored exemptions, when there aren't even exemptions. In order for it to be an exemption, you have got to have a mandate. There is no mandate. There is just the threatened use of the mandate that is making corporate America decide that it is in its best interest to do the President's dirty work for him, and in a way that protects him from being questioned on legal, meritorious grounds in court.

And if we can't muster the legislative will to defend that power which is rightfully ours—not ours in the sense that we personally own it, but it has been given to the people, the power to make sure that laws are passed only by their elected Representatives and Senators—we can't stand up for this, shame on us.

And if we can't stand up for even a further encroachment on that power and on the corresponding right that the American people have long come to depend upon, to be able to travel interstate without undue hindrance or interference from their government, it is a sad outcome, one that I can't countenance. That is why I am going to be back day after day, as long as it takes. The American people expect more. The American people deserve better.

The PRESIDING OFFICER (Ms. HASSAN). The majority leader.

#### LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 254.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Tana Lin, of Washington, to be United States District Judge for the Western District of Washington.

#### CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 254, Tana Lin, of Washington, to be United States Dis-

trict Judge for the Western District of Washington.

Charles E. Schumer, Richard J. Durbin, Christopher Murphy, Amy Klobuchar, Debbie Stabenow, Martin Heinrich, Edward J. Markey, Patty Murray, Tina Smith, Tammy Baldwin, Sheldon Whitehouse, Brian Schatz, Tim Kaine, Alex Padilla, Tammy Duckworth, Richard Blumenthal, Jacky Rosen.

#### LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 187.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Douglas L. Parker, of West Virginia, to be an Assistant Secretary of Labor.

#### CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 187, Douglas L. Parker, of West Virginia, to be an Assistant Secretary of Labor.

Charles E. Schumer, Patty Murray, Sheldon Whitehouse, Ben Ray Lujan, Martin Heinrich, Cory A. Booker, Jack Reed, Joe Manchin III, Richard J. Durbin, Mazie Hirono, Christopher A. Coons, Richard Blumenthal, Jacky Rosen, Kirsten E. Gillibrand, Gary C. Peters, Chris Van Hollen, Robert P. Casey, Jr.

#### LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 338.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Myrna Perez, of New York, to be United States Circuit Judge for the Second Circuit.

#### CLOTURE MOTION

Mr. SCHUMER. Madam President, I proudly send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 338, Myrna Perez, of New York, to be United States Circuit Judge for the Second Circuit.

Charles E. Schumer, Patty Murray, Sheldon Whitehouse, Ben Ray Lujan, Martin Heinrich, Cory A. Booker, Jack Reed, Richard J. Durbin, Mazie K. Hirono, Christopher A. Coons, Richard Blumenthal, Jacky Rosen, Kirsten E. Gillibrand, Gary C. Peters, Chris Van Hollen, Robert P. Casey, Jr., Michael F. Bennet.

Mr. SCHUMER. Madam President, finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, October 19, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JUDICIAL NOMINATIONS

Mr. DURBIN. Madam President, this week, the Senate will consider Christine O'Hearn's nomination for the U.S. District Court for the District of New Jersey.

Ms. O'Hearn is eminently qualified to be a district court judge.

She has nearly 30 years of experience as a litigator in private practice. During that time, she has tried numerous cases to verdict and has completed more than 150 trial days as lead counsel.

Ms. O'Hearn has worked on both the plaintiff and defense sides of complex civil litigation matters, with her core focus being employment law.

In addition to representing individual clients, Ms. O'Hearn has represented both private and public entities, including a number of county and municipal governments.

Throughout her career, Ms. O'Hearn has also given back to the legal community. For example, she has served on the New Jersey Supreme Court's Committee on the Unauthorized Practice of Law; the U.S. Magistrate Judge Selection Committee for Camden, NJ; and the New Jersey Supreme Court District IV Ethics Committee.

While serving on the New Jersey Supreme Court's Ethics Committee, Ms. O'Hearn devoted hundreds of hours—pro bono—to prosecuting an attorney for violating the New Jersey Rules of Professional Conduct. After a 15-day trial before a Special Master, the attorney was found to have violated multiple Rules of Professional Conduct. Ms. O'Hearn also briefed and argued the case on appeal, where the ruling was affirmed.

Numerous groups and individuals have written letters of support for Ms. O'Hearn's nomination, including: the New Jersey State Bar Association, the Camden County Bar Association, and dozens of New Jersey Fellows with the American College of Trial Lawyers.

With her extensive experience, it is no surprise that Ms. O'Hearn was unanimously rated "well qualified" by the American Bar Association.

Ms. O'Hearn has the strong support of her home state Senators, Senators MENENDEZ and BOOKER, and she received bipartisan support in the Judiciary Committee.

With decades of legal experience on behalf of plaintiffs and defendants alike, Ms. O'Hearn is well prepared to serve with distinction in the District of New Jersey.

I urge my colleagues to join me voting in support of her nomination.

#### VOTE EXPLANATION

Ms. SINEMA. Madam President, I was necessarily absent, but had I been present would have voted yes on roll-call vote No. 414, on the confirmation of Gustavo A. Gelpi, of Puerto Rico, to be United States Circuit Judge for the First Circuit.

#### REMEMBERING COLONEL JEFFREY B. JONES

Mr. REED. Madam President, today I honor one of the most dedicated, selfless, and accomplished leaders I have known, my late classmate, COL Jeff Jones.

Jeff passed away in 2010 after a heroic battle with brain cancer, but his legacy will be engraved in steel this November when the Army names its new Psychological Operations Headquarters Building in Fort Bragg, NC, for him. Colonel Jones dedicated his life and career to our national defense, and this tribute could not be more fitting.

Jeff and I were classmates at West Point. When you first met Jeff, you knew he had special talents. While my other classmates and I were struggling just to pass inspection, Jeff was lead-

ing rifle drill and ceremony to perfection, honed by his years of military academy upbringing in Georgia. He was a natural, inspiring leader, and we all looked up to him. As cadets and later as officers, Jeff exemplified everything we strived to be as members of the Long Grey Line, always representing what was best and most noble about West Point, the Army, and America. He was the epitome of "Duty, Honor, Country."

We graduated together in 1971, and Jeff began his career as an infantry officer in the 509th Airborne in Germany, where he climbed the Matterhorn and trained with British and French airborne troops. He later commanded an infantry company at Fort Ord, CA, and met his wonderful wife Pamela along the way. His career moved swiftly, serving as aide-de-camp to some of the top generals of the day and earning advanced degrees from prestigious institutions. Presciently, while serving on the staff of the Assistant Secretary of Defense for International Security Affairs, he authored the study recommending the creation of U.S. Central Command.

Jeff also embarked on several international tours, including with the U.N. Truce Supervision Organization in Lebanon following the Beirut bombings and working with the U.S.-Soviet Nuclear Arms Control and Space Negotiations in Geneva in the 1980s.

He especially imparted his leadership through his command of the 8th Psychological Operations Battalion and later the 4th PSYOP Group, both at Fort Bragg. Under his command, military and civilian teams deployed across more than 60 countries on six continents, gathering key intelligence throughout peacetime, crisis, war, humanitarian, refugee, and counterdrug operations.

Jeff finally retired from Active Duty in 2001, after his final assignment as a defense attache in Paris, but his retirement was short-lived as 9/11 struck just months later. He was requested to serve on the NSC in a civilian capacity in the Office of Combating Terrorism and subsequently in the Defense Policy and Arms Control Directorate, and he served with distinction.

In 2006, Jeff was diagnosed with brain cancer. He battled for years, even as he continued to work and contribute to our national security. With Pam by his side, he passed away in 2010 and was posthumously inducted into the Special Operations Command's Commando Hall of Honor in 2013.

Jeff had a quiet, fearless strength that was powerful when you were in his presence. I consider myself extremely fortunate to have served alongside him and to have learned from his intellect, skill, character, and his love and devotion to Pam. And I am proud to have known him as my friend.

The Army's new "Colonel Jeffrey Jones Psychological Operations Headquarters" bears the name of a great man, and I know great things will be achieved there.

I am proud to honor the legacy of Colonel Jones, and I know the Members of the Senate will join me in recognizing the incredible contributions he made for our Nation.

#### TRIBUTE TO KOBYE NOEL

Mr. OSSOFF. Madam President, today let the Senate recognize the retirement of Ms. Kobye Noel, a public servant who has worked for 23 years in the U.S. Senate.

Ms. Noel served for over a decade with the Senate Budget Committee. She has also worked for Senator Kent Conrad, Senator Heidi Heitkamp, Senator Doug Jones, and for me and for Senator Reverend RAPHAEL WARNOCK. Her leadership has shaped the work of the Senate for longer than most of us have been here. To that, we owe Ms. Noel a tremendous debt.

Ms. Noel was instrumental in establishing Senator Reverend WARNOCK's and my offices this year. Her expertise and hard work have served Georgians to the highest standard.

For her colleagues, Ms. Noel has been a source of reassurance and generosity. She consistently lends a helping hand to others.

Ms. Noel's skill, commitment, and heart for service will be irreplaceable on my team. Ms. Noel will be dearly missed, but has become a lifelong friend for so many of us.

On behalf of the Senate, I express our heartfelt gratitude for Ms. Noel's service.

Thank you for sharing your brilliance with us, Ms. Noel. You embody the promise and integrity that should define the U.S. Senate.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3005. A bill establishing appropriate thresholds for certain budget points of order in the Senate, and for other purposes.

S. 3006. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits for fiscal years 2022 through 2031.

S. 3007. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits.